

**UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

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|---------------------------------------|---|------------------------------|
| JORDAESHA BURLESON, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | Case No. CIV-22-575-G |
| |) | |
| CITY OF WARR ACRES, a |) | |
| municipal corporation, et al., |) | |
| |) | |
| Defendants. |) | |


ORDER

Now before the Court is a Motion to Dismiss (Doc. No. 5) filed by Defendant Warr Acres Police Department. Plaintiff Jordaesha Burleson has not responded to the Motion or requested additional time to do so.

Defendant seeks dismissal pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure on the basis that Warr Acres Police Department is not an entity subject to suit under 42 U.S.C. § 1983 or state law. As this Court has noted, “under Oklahoma law the police department is not a separate entity separate from the City.” *Deloney v. City of Warr Acres*, No. CIV-22-576-R (W.D. Okla. Aug. 11, 2022) (order); *see* Okla. Stat. tit. 51, § 152(10)-(11); *Dutton v. City of Midwest City*, 630 F. App’x 742, 744 (10th Cir. 2015).

Accordingly, Defendant Warr Acres Police Department's Motion to Dismiss (Doc. No. 5) is GRANTED, and all claims against Defendant Warr Acres Police Department are DISMISSED without prejudice.

IT IS SO ORDERED this 24th day of February, 2023.



CHARLES B. GOODWIN
United States District Judge